

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

EDWARD BOYER, ET AL.

No. 1:14-cr-10163-NMG-5

DEFENDANT'S MOTION TO PROCEED IN FORMA PAUPERIS

The defendant, David Simmons ("the defendant"), by and through his attorneys, respectfully moves this Honorable Court for permission to proceed with his appeal *in forma pauperis*, pursuant to F.R.A.P. 24. As grounds therefor, the defendant states as follows:

1. On October 23, 2015, following a jury trial, the defendant was found guilty on one count charging him with conspiracy to distribute and to possess with intent to distribute marijuana, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(D);
2. On March 24, 2016, the defendant was sentenced to a term of 57 months imprisonment, to be followed by 3 years of supervised release;
3. Judgment was entered on March 30, 2016;
4. A timely Notice of Appeal was filed on April 7, 2016;
5. The defendant desires to pursue his appeal but, as demonstrated in the attached Affidavit to Accompany Motion for Leave to Appeal in Forma Pauperis, he does not have the funds to retain undersigned counsel, or other privately retained counsel for that matter, to pursue his appeal;

Motion allowed. JPMorton, USDJ 4/29/16